

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.25112 of 2017.

Date of Decision: July 05, 2018

M/s D.D. Industries Limited

.....Petitioner

versus

Haryana State Industrial and Infrastructural Development Corporation
Limited and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Vikas Bahl, Senior Advocate with
Mr.Tushar Sharma, Advocaes, for the petitioner.
Ms.Neelam Nehra, Advocate for
Mr.Deepak Baylan, Advocate, for HSIIDC.

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Surya Kant, J. (Oral)

The petitioner-industry is aggrieved by the order dated 16.12.2016 passed by the Appellate Authority of HSIIDC and the consequential letter dated 31.01.2017 issued to the petitioner regarding resumption of industrial plots No.304-305, Sector 7-II, IMT Manesar, District Gurgaon. The above-stated order has been passed in purported compliance of the directions issued by this Court in CWP No.2544 of 2014 decided on 21.10.2015 whereby the petitioner was relegated to avail the alternative remedy of appeal.

[2] At the outset, it is urged on behalf of the petitioner that the very basis on which the resumption of the plot has been justified by the Appellate Authority, is no longer in existence or survives as per the revised Estate Management Policy. Such a plea has been taken by the petitioner in its review application-cum-representations (P-47 & P-50), but since the same were not considered by the Prescribed Authority, the instant writ petition has been filed.

[3] When the writ petition came up for preliminary hearing on

06.11.2017, a Division Bench of this Court made the following self-speaking observations:-

“..... The petitioner's property was resumed by order dated 27.12.2013. The petitioner contends that it was a matter of right entitled to get an extension till 2010 and on exercise of discretion by the Authorities till the year 2011. The petitioner has challenged the order of resumption by filing Civil Writ Petition No.2544 of 2014, which was disposed of by an order and judgment dated 21.10.2015 by a Division Bench of this Court, to which, one of us, (S.J.Vazifdar, CJ), was a member. The respondents were directed to take into consideration certain additional facts that had arisen in the meantime. One of the additional facts was the introduction of the Estate Management Procedure, 2015, which came into force w.e.f. 16.10.2015. The petitioner filed an appeal under the EMP-2015, although the order of this Court had relegated the petitioner to the appeal under the EMP-2011. The respondents, however, did not object to the same. The EMP-2015 was amended by a notification dated 16.06.2016. A significant amendment was the deletion of the time limit for compliance, subject to the parties paying the extension fees. One of the questions that arises for consideration is, whether the EMP-2015 would apply to the petitioner's case on account of the property having been resumed earlier and if so, whether the amendments thereto of 16.06.2016 can be availed by the petitioner. The order of resumption dated 16.12.2016 was served on the petitioner under cover of a letter dated 31.01.2017. By virtue of the order of this Court dated 21.10.2015 in CWP No.2544 of 2014, the stay would operate for a period of eight weeks, therefore, i.e., till March, 2017.

In the given circumstances, the parties shall

maintain status quo till further orders. This, however, is subject to the petitioner's being liable to pay such expenses and costs as may be directed for the use by the petitioner of the plot in the event of it not succeeding in this petition.....”

[4] Though learned counsel for HSIIDC seeks further time to file written statement, it appears to us that the review application-cum-representations (P-48 & P-50) submitted by the petitioner require adjudication by way of a self-speaking order.

[5] The writ petition is consequently disposed of without expressing any views on merits, with a direction to the Anomaly Committee of HSIIDC to decide the above-stated review application-cum-representations by way of a reasoned order and keeping in view the specific plea taken by the petitioner, as noticed by this Court in the order dated 06.11.2017. It is further directed that the representative of the petitioner shall be heard by the Anomaly Committee before deciding the matter. It shall be appreciated if an appropriate order is passed within a period of two months from the date of receiving a certified copy of this order. Till such time, the direction issued by this Court to the parties to maintain status-quo till further orders, shall continue to operate. In the event of any adverse order, the aforesaid interim direction shall further operate for two weeks to enable the petitioner to avail appropriate remedy.

[SURYA KANT]
JUDGE

July 05, 2018

mohinder

(SUDIP AHLUWALIA)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

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Yes/No